

REMARKS

Claims 1 to 27 are in this application.

A Request for Continued Examination is being submitted herewith along with a Petition for Revival of an application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

Claims 5 to 25 have been allowed.

Claims 1 to 4 stand rejected on the grounds of res judicata.

Claims 26 and 27 have been rejected as being unpatentable over Reach in view of JP No. 405329233 (Seisaku).

The Advisory Action of October 7, 2004 states that the application is not in condition for allowance because the rejections of claims 1 to 4 are based upon a Board decision, and that there has been no showing of facts to challenge the rejection. Issue is taken in this respect. The Examiner further alleges that the Declaration of Ralph Maltby merely states conclusions and that there are no factual details presented. Issue is taken in this respect.

Further, the Examiner alleges that if facts were presented at this time in the prosecution, such would require further consideration and would not be entered. Hence, the filing of a Request for Continued Examination.

The Maltby Declaration recites a series of facts beginning in the penultimate paragraph at page 3. For example, the Maltby Declaration in page 4, second full paragraph, states as fact that the face a2 of the putter head illustrated in Fig. 2 of Reach has an inclined angle of loft to the vertical plane and, thus, the sighting line c cannot be used to place the face a2 in a vertical plane. The Examiner has not considered this fact nor has the Examiner responded to this fact.

The Maltby Declaration states as fact that Reach does not describe or teach that the sighting line c is in a common plane with a longitudinal axis of a putter shaft.

Aside from other factual statements set forth in the Maltby Declaration there is a statement of fact that the face a2 of Reach would not be in a plane parallel to any sighting line that is extended up the shaft b of Reach (page 5, first full paragraph).

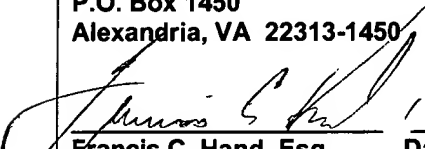
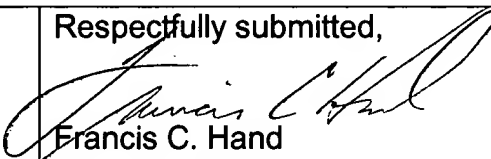
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The Maltby Declaration states as fact that Seisaku does not teach that the straight edge of the tape is to be in a common plane with the axis of the golf shaft. (page 5, section full paragraph).

See also the statements of fact recited in the last paragraph of page 5 and the first paragraph of page 6 of the Maltby Declaration.

Since new evidence has been presented with respect to the non-obviousness of claims 1 to 4 over the applied references, the decision of the BPAI of August 15, 2003 is moot.

A response to the facts presented in the Maltby Declaration is requested.

<p><u>FIRST CLASS CERTIFICATE</u></p> <p>I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:</p> <p>Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p> Francis C. Hand, Esq. <u>12-1-04</u> Date</p>	<p>Respectfully submitted,</p> <p> Francis C. Hand Reg. No. 22,280</p> <p>CARELLA, BYRNE BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN Five Becker Farm Road Roseland, NJ 07068 Phone: 973-994-1700 Fax: 973-994-1744</p>
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